

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CHARLES TALBERT : CIVIL ACTION
v. : NO. 21-4303
CITY OF PHILADELPHIA, *et al.* :

ORDER

AND NOW, this 5th day of October 2021, upon screening the incarcerated Plaintiff's prose Complaint against the City of Philadelphia, Mayor, several state actors involved in his criminal prosecution, his criminal defense counsel in an ongoing criminal prosecution in state court, consistent with Congress's requirement of screening prisoner complaints under 28 U.S.C. § 1915A, and for reasons in the accompanying Memorandum, it is **ORDERED**:

1. We **DISMISS** the Complaint (ECF Doc. No. 1):
 - a. with prejudice as to the false arrest, false imprisonment, and excessive force claims;
 - b. without prejudice to the malicious prosecution, civil conspiracy as to a flawed internal affairs investigation, supervisory liability, and ineffective assistance of counsel claims;
2. Plaintiff shall, no later than **October 26, 2021**, file a memorandum either: confirming and showing proof of payment of the filing fee as represented he attached to the Complaint (ECF Doc. No. 1, p.2 of 17) or show cause why we should not bar this case under our April 5, 2019 Order in *Talbert v. Carney*, Nos. 19-1340, 19-1341, 2019 WL 1516940 (E.D. Pa. Apr. 5, 2019); and,
3. The Clerk of Court shall not issue summons and shall **close** this case.


KEARNEY, J.